

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1725.01
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: April 2, 2001
DATE OF REPORT: April 30, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: May 29, 2001

COMPLAINT ISSUES:

Whether the MSD of Pike Township and the West Central Joint Services violated:

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically, failure of the student's teachers to provide weekly progress reports to the parent by e-mail.

The following issue was originally presented for investigation, but was subsequently withdrawn:

511 IAC 7-27-7(b) and 511 IAC 7-17-72 with regard to the school's alleged failure to ensure the student's teacher of record regularly monitored the implementation of the student's IEP.

FINDINGS OF FACT:

1. The student is fifteen years old, attends the ninth grade, and has been determined eligible for special education due to a learning disability.
2. The IEP addendum dated January 10, 2001, lists the following information: "Teachers must report to Resource teacher one time/week." The Behavior Support-Plan of Action form dated January 10, 2001, lists the following information: "2. Teachers will WEEKLY e-mail [teacher's name] if [student's name] does not have materials. Also, teachers will include report of progress. Email will be sent to Resource teacher before Friday, noon. [teacher's name] will leave information on parent's e-mail or work phone [parent's phone number]. 8. Resource teacher [teacher's name] will communicate behavior and grades weekly." The parent states that she only received progress reports from the school sporadically. She states that when she did receive progress reports from the student's resource room teacher, the reports were incomplete. According to the parent, not all of the student's teachers provided the resource room teacher with a weekly report, and those that were provided did not address the progress being made by the student. The director reports in his written response that some of the student's teachers did not keep the parent informed of the student's academic and behavior progress on a consistent basis. According to the director, and based on an e-mail from the assistant principal, a meeting was convened on March 1, 2001, to reiterate to the teachers their responsibility for ensuring implementation of the student's IEP. Numerous e-mails were submitted by the director; however, only two of the e-mails to the parent actually mentioned the student's progress made in class. In addition, there were several e-mails to the student's teachers indicating failure to submit weekly progress reports and reminding them to comply with this requirement. Two of the e-mails reflect the parent's attempt to encourage school personnel to comply with submitting the weekly progress reports to the resource room teacher. On

March 12, 2001, a CCC meeting was convened and a new Behavior Support-Plan of Action form was developed. Because the parent had had such difficulty obtaining the weekly progress reports, it was determined that the parent would contact each of the student's teachers individually when she had questions concerning the student's progress. The teachers are then required to include specific assignments missed in their report back to the parent. The parent states this method of obtaining information regarding the student's progress at school has proven to be more reliable.

CONCLUSION:

Finding of Fact #2 reflects that the school failed to ensure the student's teachers provided the parent with weekly progress reports as specified in the student's IEP dated January 10, 2001. Therefore, a violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The MSD of Pike Township and the West Central Joint Services shall:

1. Inservice all of the student's teachers and the teachers' immediate supervisor(s) as to their responsibility for ensuring implementation of the student's IEP. Provide each individual who attends the inservice training with a copy of the student's IEP, and any applicable addendums and behavior support plans. Submit documentation to the Division that the inservice training has been completed no later than May 30, 2001. The documentation should include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.
2. Submit an assurance statement to the Division no later than May 30, 2001, ensuring that all IEPs developed for the student will be implemented as written. The assurance statement shall be signed and dated by the teachers' immediate supervisor(s) and the director.

DATE REPORT COMPLETED: April 30, 2001